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FROM: J. Joel Justiss

RE: Serial No.:09/596,298
Attorney Docket No.:TQIP-0002
RESENDING APPELLANTS' BRIEF ORIGINALLY FILED UNDER 37
C.F.R. § 1.192

DATE: October 20, 2004

PAGES: 32 (including cover page)

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ATTORNEY DOCKET NO. TQIP-0002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Uday R. Parekh, *et al.*

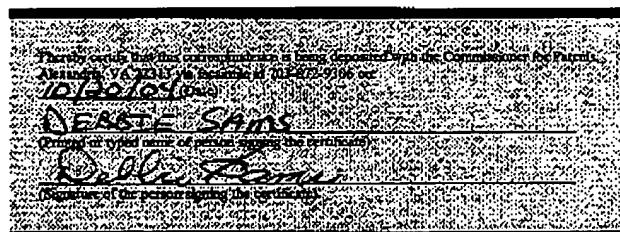
Serial No.: 09/596,298

Filed: June 17, 2000

Title: SYSTEM AND METHOD FOR EX POST FACTO
PRESERVING A RECORDED CONVERSATION

Grp./A.U.: 2645

Examiner: Ovidio Escalante

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESENDING APPELLANTS' BRIEF ORIGINALLY FILED UNDER 37 C.F.R. §1.192

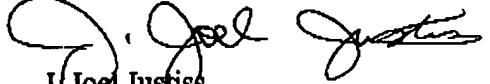
The Appellants originally filed the following Appellants' Brief on April 19, 2004. The Examiner indicated in a telephone conversation that he never received the Brief and requested that it be resent. Accordingly, the Appellants are resending the original Brief along with a copy of the postcard receipt indicating that the USPTO received the Brief on April 22, 2004. The Appellants have not changed the Brief in any way.

Since the Brief was timely filed, no charges should be due at this time. The Commissioner, however, is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 08-2395 if needed.

The Applicants thank the Examiner for inquiring about the Brief and request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if there are any further questions regarding this application.

Respectfully submitted,

HITT GAINES, P.C.



J. Joel Justiss

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TQIP-0002

Inventor: Uday R. Parekh, et al
Title: SYSTEM AND METHOD FOR EX POST FACTO PRESERVING A
RECORDED CONVERSATION

Filing Date: June 17, 2000
Serial No.: 09/596,298

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Inventor: Uday R. Parekh, et al
 Title: SYSTEM AND METHOD FOR EX POST FACTO PRESERVING A
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ATTORNEY DOCKET NO. TQIP-0002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Uday R. Parekh, et al.

Serial No.: 09/596,298

Filed: June 17, 2000

Title: SYSTEM AND METHOD FOR EX POST FACTO
PRESERVING A RECORDED CONVERSATION

Group: 2645

Examiner: Ovidio Escalante

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ATTENTION: Board of Patent Appeals and Interferences

Sirs:

APPELLANT'S BRIEF UNDER 37 C.F.R. §1.192

This is an appeal from a Final Rejection dated October 27, 2003, of Claims 1-27. The Appellants submit this Brief in triplicate as required by 37 C.F.R. §1.192(a), with the statutory fee of \$165.00 as set forth in 37 C.F.R. §1.17(c), and hereby authorize the Commissioner to charge any

additional fees connected with this communication or credit any overpayment to Deposit Account No. 08-2395.

This Brief contains these items under the following headings, and in the order set forth below in accordance with 37 C.F.R. §1.192(c):

- I. REAL PARTY IN INTEREST
- II. RELATED APPEALS AND INTERFERENCES
- III. STATUS OF CLAIMS
- IV. STATUS OF AMENDMENTS
- V. SUMMARY OF INVENTION
- VI. ISSUES
- VII. GROUPING OF CLAIMS
- VIII. APPELLANTS' ARGUMENTS
- IX. APPENDIX A - CLAIMS

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is the Assignee, Telequip Labs, Inc.

II. RELATED APPEALS AND INTERFERENCES

No other appeals or interferences will directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.

III. STATUS OF THE CLAIMS

Claims 1-27 are pending in this Application.

IV. STATUS OF THE AMENDMENTS

The present Application was filed on June 17, 2000. The Appellants filed a first Amendment on July 23, 2003, in response to an Examiner's Action mailed May 2, 2003. The Examiner entered the first Amendment and subsequently issued a Final Rejection on October 27, 2003. The Appellants then filed a second Amendment on December 23, 2003. The Examiner responded with an Advisory Action mailed January 1, 2004, maintaining the rejection of Claims 1-27. The Appellants then filed a Notice of Appeal on February 18, 2004.

V. SUMMARY OF THE INVENTION

The present invention is directed, in general, to automated call placement systems (ACPs) and, more specifically, to a system and method for ex post facto preserving a recorded conversation. The present invention provides, for use with an automated call placement system (ACP) having a switching service unit, a call monitoring unit capable of monitoring a selected one of lines coupled to the switching service unit and a method of making a recording of a conversation occurring on a selected one of lines coupled to the switching service unit.

In one embodiment, the system includes: (1) an analog or digital recorder, coupled to the call monitoring unit, that monitors a call carried on the selected one of the lines and creates a recording of the call on a storage medium (perhaps including disk storage) associated therewith, the storage medium being of finite capacity thereby causing the recording to be subject to eventual overwriting and (2) a recorder controller, coupled to the recorder, that audibly reproduces the call to a user in real time and allows the user to preserve the recording to delay (or, in some embodiments, completely prevent) the overwriting.

IN THE ENVIRONMENT OF A PREFERRED EMBODIMENT

An embodiment of the present invention is illustrated in FIGURE 1 of the present Application (set forth herein as Illustration 1). The illustrated embodiment details a block diagram of an automated call placement system (ACP), generally designated 100, according to the principles of the present invention. The ACP 100 as illustrated includes a switching service unit (SSU) 110 that is designed to act as a hub, such as a private branch exchange (PBX), comprising the SSU 110 and a plurality of stations 120. The SSU 110 acts to interconnect ones of the plurality of stations 120

SSU 110 acts to interconnect ones of the plurality of stations 120 with ones of a plurality of trunks (telephone lines for gaining access to the public switched telephone network, or PSTN, 130).

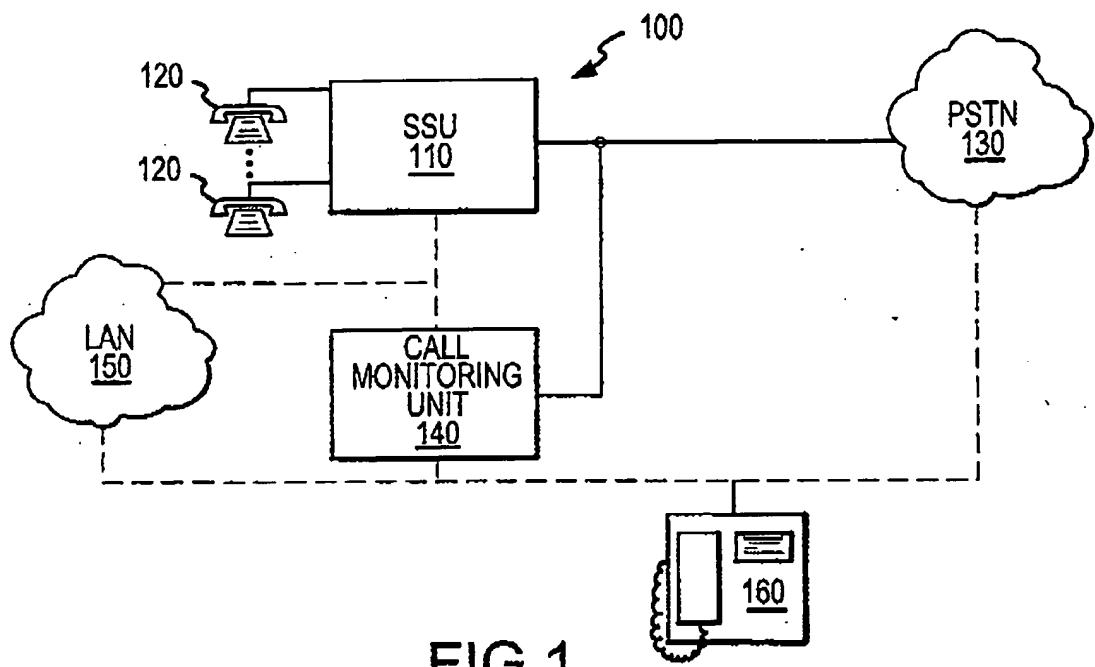


Illustration 1

Though not an exclusive environment for the present invention, the illustrated embodiment of the ACP 100 is adapted for use in a correctional facility (not illustrated) to allow inmates (not illustrated) to place calls to without the facility. The SSU 110 may be capable of receiving inbound calls from the PSTN 130 destined for one of the plurality of stations 120 or completing intra-PBX calls from one of the plurality of stations 120 to another. As in the above described environment, it is often important to monitor, and perhaps record, the conversations that take place on the plurality of stations 120. In the context of a correctional facility, inmate conversations should be monitored for purposes of security. In other environments, policy compliance or quality control may be of concern. Accordingly, the ACP 100 is illustrated as including a call monitoring unit 140.

Broadly speaking, the call monitoring unit 140 monitors (taps), and perhaps records, conversations taking place between the plurality of stations 120 and the PSTN 130. The call monitoring unit 140 does this by tapping either trunks or station lines (Illustration 1 illustrates the former), recording one or both sides of the conversation. While the call monitoring unit 140 may simply monitor each trunk or station continuously (requiring one channel per trunk or station), the illustrated call monitoring unit 140 detects when trunks or stations are active, and then selects a channel for that trunk or station.

The call monitoring unit 140 is illustrated as optionally being connected directly to the SSU 110 (depicted in Illustration 1 by a broken line directly spanning the call monitoring unit 140 and the SSU 110) that allows the call monitoring unit 140 to receive data from the SSU 110 regarding calls to be placed through the SSU 110. Were the connection not to be available, the call monitoring unit 140 would be required to detect calls and associated data (such as destination number) from its trunk or station tap.

Illustration 1 further illustrates a local area network (LAN) 150 that may optionally couple the call monitoring unit 140 to the SSU 110 (depicted in Illustration 1 by a broken line spanning the call monitoring unit 140 and the SSU 110). The LAN 150 can allow the call monitoring unit 140 and the SSU 110 to be physically separated from one another, and other devices, such as controllers (not shown) for the ACP, can be made to interact with the call monitoring unit 140 or the SSU 110. Of course the call monitoring unit 140 can be integrated with the SSU 110.

Illustration 1 finally shows an in-band data-capable device 160 that takes the form of an Analog Display Services Interface (ADSI)-capable telephone in the illustrated embodiment. The device 160 is shown as being couplable to the call monitoring unit 140 in a number of optional ways including: coupled directly, via the LAN 150, through the SSU 110, via the PSTN 130 and coupled wirelessly.

Turning now to FIGURE 4 (set forth herein as Illustration 2), illustrated is a block diagram of the digital recorder 320 of FIGURE 3 that may be used with the ACP 100 of Illustration 1 and the system 300 of FIGURE 3. The digital recorder 320 includes a disk storage unit 410 for storing recorded conversations. The digital recorder 320 further includes a disk controller 420, coupled to the disk storage unit 410, for controlling the manner in which recorded conversations are stored and erased on the disk storage unit 410. The digital recorder 320 still further includes a set of wire taps 430. The wire taps 430 represent telephone lines monitored by the user, and possibly marked for recording by the recorder controller 330.

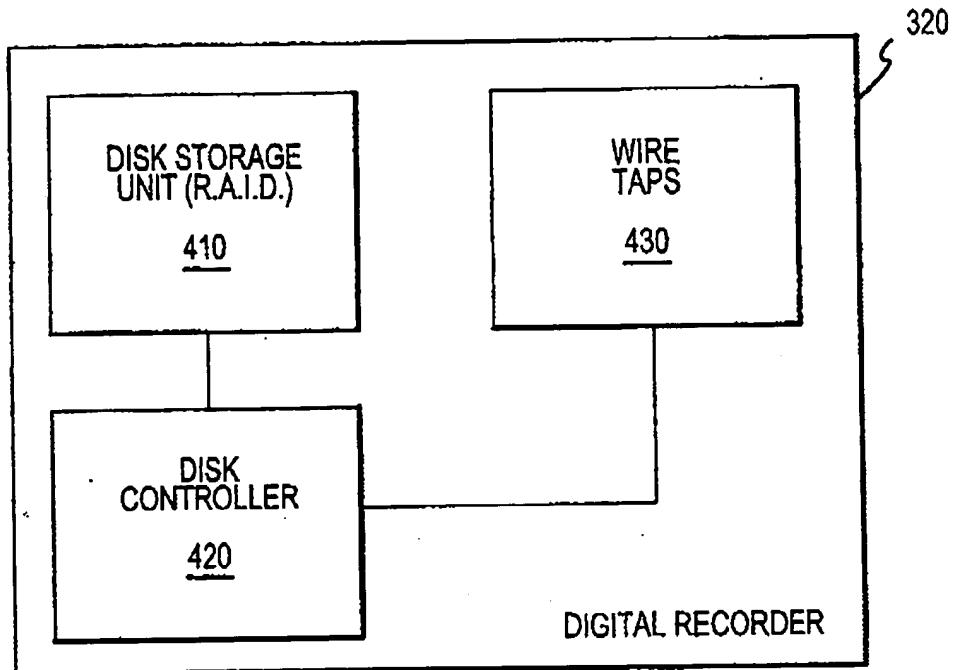


FIG.4

Illustration 2

The disk storage unit 410 is illustrated having a Redundant Array of Inexpensive Disks ("RAID") architecture. Those skilled in the art are familiar with the RAID architecture and the advantages associated therewith. Of course, the present invention is not limited to RAID architecture and is broad enough to encompass a wide array of storage device architectures. The disk storage unit 410 is also of a type having a finite storage capacity. As a result, a recorded conversation stored in the disk storage unit 410 is subject to eventual overwriting when the disk storage unit 410 reaches full capacity.

3 to prevent the digital recorder 320 from storing a more recent but lower priority conversation over a specific older but higher priority conversation. Thus, the user can eliminate the risk that important conversations will be overwritten by conversations of lower priority by ensuring the more recent lower priority conversations are only stored over older recordings that are even lower priority and no longer needed. In addition, the user can prevent such an overwriting at any time while monitoring the conversation, or even after the conversation has ended. By allowing such an "ex post facto" preservation, the user can begin monitoring a conversation after it has started, but still, after recognizing the importance of the conversation, prevent its overwriting until the entire conversation can be reviewed from start to finish at a later time.

VI. ISSUES

- A. The first issue presented for consideration in this appeal is whether Claims 21 and 23-27, as rejected by the Examiner, are anticipated in accordance with 35 U.S.C. §102(b) by U.S. Patent No. 5,495,522 to Allen, *et al.* (Allen).
- B. The second issue presented for consideration in this appeal is whether Claims 1-4, 8-11, 15-17 and 20, as rejected by the Examiner, are patentably nonobvious in accordance with 35 U.S.C. §103(a) over Reichmann W/O 98/39901 in view of U.S. Patent No. 6,553,183 to Kataoka.
- C. The third issue presented for consideration in this appeal is whether Claims 5, 7, 12, 14, 18 and 20, as rejected by the Examiner, are patentably nonobvious in accordance with 35 U.S.C. §103(a) over Reichmann in view of Kataoka and in further view of U.S. Patent No. 6,542,602 to Elazar.

D. The fourth issue presented for consideration in this appeal is whether Claims 6, 13 and 19, as rejected by the Examiner, are patentably nonobvious in accordance with 35 U.S.C. §103(a) over Reichmann in view of Kataoka and in further view of U.S. Patent No. 6,064,732 to Pezzullo.

E. The fifth issue presented for consideration in this appeal is whether Claim 22, as rejected by the Examiner, is patentably nonobvious in accordance with 35 U.S.C. §103(a) over Allen and in further view of Elazar.

VII. GROUPING OF THE CLAIMS

Claims 1-27 do not stand or fall together. Independent Claims 1, 8 and 15 form a first group. The dependent Claims of independent Claims 1, 8 and 15 form the following groups: Claims 2 and 9 form a second group, Claims 3, 10 and 16 form a third group, Claims 4, 11 and 17 form a fourth group, Claims 5, 12 and 18 form a fifth group, Claims 6, 13 and 19 form a sixth group and Claims 7, 14 and 20 form a seventh group. Independent Claim 21 forms an eighth group by itself. The dependent Claims of Claim 21 each form the following groups: Claim 22 forms a ninth group, Claim 23 forms a tenth group, Claim 24 forms an eleventh group, Claim 25 forms a twelfth group, Claim 26 forms a thirteenth group and Claim 27 forms a fourteenth group.

VIII. THE APPELLANTS' ARGUMENTS

The inventions set forth in independent Claims 1, 8, 15 and 21 and the respective dependent claims are neither anticipated by nor obvious over the references on which the Examiner relies.

A. Rejection of Claims 1, 8 and 15 under 35 U.S.C. §103(a)

The Examiner has rejected Claims 1, 8 and 15 which, as set forth above, stand together, under 35 U.S.C. §103(a) as being unpatentable over Reichmann in view of Kataoka. The Appellants respectfully disagree. The Examiner cited Reichmann to teach a recorder controller that provides an audible reproduction of a call to a user in real time and allows the user to preserve the recording based on the audible reproduction to delay overwriting as recited in Claims 1, 8 and 15. (Examiner's Final Rejection, pages 4-5). Reichmann is directed to transcribing telephone calls as a digital audio file and forwarding the digital audio file electronically to a pre-selected address. (Page 1, lines 6-9). Reichmann teaches a telephone call transcription system that provides a digital recording of a telephone communication of a user when selected by the user. (Page 2, lines 25-31). When the user originates or receives a telephone call which is to be recorded, the telephone transcription system, which has been monitoring a telephone line, commences to record the telephone call. (Page 5, lines 8-13). The user may record the call, cancel the recording during the conversation or erase the recording at the termination of the call. (Page 9, lines 10-23).

An audible reproduction of the call, however, is not provided to a user in real time as recited in Claims 1, 8 and 15. On the contrary, the user in Reichmann either initiates or receives the telephone call and, instead of being provided an audible reproduction in real time, is a participant of the telephone call during real time. (Page 5, lines 9-13). As claimed and discussed in the Specification, the user in Claims 1, 8 and 15, is not a party of the telephone call, a calling or called party, but is a user of the call monitoring unit. (Specification, page 18, line 9 to page 19, line 2). Thus, the user in Reichmann is not the user recited in Claims 1, 8 and 15 that is monitoring a telephone call and provided an audible reproduction thereof in real time but, instead, is an active participant of the telephone call during real time.

The Examiner argues that the call transcription system of Reichmann allows a user to interact with it in real time so that a recording can be erased or kept. (Advisory Action, page 2). Even if true, the user of Reichmann is not preserving the recording based on the audible reproduction as recited in Claims 1, 8 and 15 but based on the actual conversation in which the user is a participant. The Examiner also argues that the user in Reichmann can call up the transcription system to review telephony recordings after a conversation has been recorded allowing the user to decide in real time whether or not to keep the recording. (Advisory Action, page 2). Subsequently retrieving the recording to determine to keep or not, however, is not an audible reproduction that is provided during real time. As stated, this is done after the conversation. For the above reasons, Reichmann does not teach or suggest each and every element for which it has been cited.

Additionally, Reichmann does not specifically teach causing a recording to be subject to eventual overwriting and thus preserving the recording to delay the overwriting. The Examiner, therefore, cites Kataoka to teach a recording system that is subjected to overwriting. (Examiner's Final Rejection, page 4). Kataoka is directed to a video and/or audio recording apparatus for recording video and/or audio data to a recording device. (Column 1, lines 11-14). Kataoka provides a video/audio recording apparatus and method for hierarchical overwrite recording of video/audio data using a recording disc without an accompanying complicated mechanical operation. (Column 3, lines 59-63). The Appellants do not find, however, nor has the Examiner cited, that Kataoka teaches or suggests providing an audible reproduction of a call to a user in real time allowing the user to preserve the recording based on the audible reproduction to delay overwriting. (Claims 1, 8 and 15). Instead, Kataoka teaches a simpler recording device that bases overwriting of a recording on

hierarchical information. (Abstract). Kataoka, therefore, does not cure the deficiencies of Reichmann.

Thus, the cited combination of Reichmann and Kataoka, fails to teach or suggest each and every element of independent Claims 1, 8 and 15 and, therefore, does not provide a *prima facie* case of obviousness of Claims 1, 8 and 15. Accordingly, Claims 1, 8 and 15 are nonobvious over the cited combination and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection thereof.

B. Rejection of Claims 2 and 9 under 35 U.S.C. §103(a)

The Examiner has rejected Claims 2 and 9 under 35 U.S.C. §103(a) as being unpatentable over Reichmann in view of Kataoka. The above argument establishing the nonobviousness of independent Claims 1 and 8 is incorporated herein by reference. Dependent Claims 2 and 9 also require that the recorder controller allows the user to preserve the recording to prevent the overwriting, and thereby introduce patentably distinct elements in addition to the elements recited in Claims 1 and 8, respectively. The cited combination of Reichmann and Kataoka, however, does not teach or suggest the recorder controller allows the user to preserve the recording to prevent the overwriting in combination with the base claim limitations. Thus, the cited combination of Reichmann and Kataoka does not establish a *prima facie* case of obviousness of dependent Claims 2 and 9, and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection thereof.

C. Rejection of Claims 3, 10 and 16 under 35 U.S.C. §103(a)

The Examiner has rejected Claims 3, 10 and 16 under 35 U.S.C. §103(a) as being unpatentable over Reichmann in view of Kataoka. The above argument establishing the nonobviousness of independent Claims 1, 8 and 15 is incorporated herein by reference. Dependent Claims 3, 10 and 16 also require monitoring at a trunk line coupled to the switching service unit in addition to the elements recited in Claims 1, 8 and 15, respectively. The cited combination of Reichmann and Kataoka, however, does not teach or suggest monitoring at a trunk line coupled to the switching service unit in combination with the base claim limitations. Thus, the cited combination of Reichmann and Kataoka does not establish a *prima facie* case of obviousness of dependent Claims 3, 10 and 16, and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection thereof.

D. Rejection of Claims 4, 11 and 17 under 35 U.S.C. §103(a)

The Examiner has rejected Claims 4, 11 and 17 under 35 U.S.C. §103(a) as being unpatentable over Reichmann in view of Kataoka. The above argument establishing the nonobviousness of independent Claims 1, 8 and 15 is incorporated herein by reference. Dependent Claims 4, 11 and 17 also require that the call is an outgoing call from a station coupled to the switching service unit in addition to the elements recited in Claims 1, 8 and 15, respectively. The cited combination of Reichmann and Kataoka, however, does not teach or suggest that the call is an outgoing call from a station coupled to the switching service unit in combination with the base claim limitations. Thus, the cited combination of Reichmann and Kataoka does not establish a *prima facie*

case of obviousness of dependent Claims 4, 11 and 17, and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection thereof.

E. Rejection of Claims 5, 12 and 18 under 35 U.S.C. §103(a)

The Examiner has rejected Claims 5, 12 and 18 under 35 U.S.C. §103(a) as being unpatentable over Reichmann in view of Kataoka and in further view of Elazar. Elazar is directed to a telephone call monitoring system and method for logging telephone calls according to non-time-based scheduling criteria. (Column 1, lines 5-8). Elazar has not been cited to cure the deficiencies of Reichmann and Kataoka as discussed above but to teach recordings subject to overwriting on an aged basis. (Examiner's Final Rejection, page 6). Additionally, the Appellants do not find where Elazar cures the deficiencies of the cited combination. Instead, Elazar teaches recording a call between an agent and a customer based on if datum associated with the call meets at least one predefined monitoring condition. (Column 1, lines 43-52).

The above argument establishing the nonobviousness of independent Claims 1, 8 and 15 is incorporated herein by reference. Dependent Claims 5, 12 and 18 also require that the storage medium contains a plurality of recordings arranged in directories according to a date on which the recorder created the plurality of recordings in addition to the elements recited in Claims 1, 8 and 15, respectively. The cited combination of Reichmann, Kataoka and Elazar as discussed above, however, does not teach or suggest that the storage medium contains a plurality of recordings arranged in directories according to a date on which the recorder created the plurality of recordings in combination with the base claim limitations. Thus, the cited combination of Reichmann, Kataoka and Elazar does not establish a *prima facie* case of obviousness of dependent Claims 5, 12 and 18,

and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection thereof.

F. Rejection of Claims 6, 13 and 19 under 35 U.S.C. §103(a)

The Examiner has rejected Claims 6, 13 and 19 under 35 U.S.C. §103(a) as being unpatentable over Reichmann in view of Kataoka and in further view of Pezzullo. Pezzullo is directed to telephone subscriber terminals having a display screen. (Column 1, lines 21-23). Pezzullo has not been cited to cure the deficiencies of Reichmann and Kataoka as discussed above but to teach an Analog Display Services Interface (ADSI) device which has a controller that is used for recording telephone calls. (Examiner's Final Rejection, page 7). Additionally, the Appellants do not find where Pezzullo cures the deficiencies of the cited combination. Instead, Pezzullo provides an interactive subscriber terminal (telephone set) that supports enhanced capabilities at a subscriber's home or office. (Column 1, lines 49-52).

The above argument establishing the nonobviousness of independent Claims 1, 8 and 15 is incorporated herein by reference. Dependent Claims 6, 13 and 19 also require that the recorder controller is an ADSI-capable device in addition to the elements recited in Claims 1, 8 and 15, respectively. The cited combination of Reichmann, Kataoka and Pezzullo as discussed above, however, does not teach or suggest that the recorder controller is an ADSI-capable device in combination with the base claim limitations. Thus, the cited combination of Reichmann, Kataoka and Pezzullo does not establish a *prima facie* case of obviousness of dependent Claims 6, 13 and 19, and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection thereof.

G. Rejection of Claims 7, 14 and 20 under 35 U.S.C. §103(a)

The Examiner has rejected Claims 7, 14 and 20 under 35 U.S.C. §103(a) as being unpatentable over Reichmann in view of Kataoka. The above argument establishing the nonobviousness of independent Claims 1, 8 and 15 is incorporated herein by reference. Dependent Claims 7, 14 and 20 also require that the recording is subject to overwriting on an aged basis in addition to the elements recited in Claims 1, 8 and 15, respectively. The cited combination of Reichmann and Kataoka, however, does not teach or suggest that the recording is subject to overwriting on an aged basis in combination with the base claim limitations. Thus, the cited combination of Reichmann and Kataoka does not establish a *prima facie* case of obviousness of dependent Claims 7, 14 and 20, and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection thereof.

H. Rejection of Claim 21 under 35 U.S.C. §102(b)

The Examiner has rejected Claim 21 under 35 U.S.C. §102(b) as being anticipated by Allen. The Appellants respectfully disagree since Allen does not teach a system for managing deletion of telephony recordings stored in a storage unit, including a file structure including directories, each of the directories designated to contain only telephony recordings created during particular periods of time and a controller, as recited in Claim 21.

The Examiner asserts the Call Detail Records (CDRs) of Allen are telephony recordings as recited in Claim 21. (Examiner's Final Rejection, page 2). The CDRs, however, are not telephony recordings but line information that is generated when a telephone line is disconnected from a bridge.

The CDRs include such information as line number, conference number, start time, end time, etc. (Column 22, line 63 to Column 23, line 18).

In the Advisory Action, the Examiner argues since telephone data is "recorded," CDRs concerning a call are included within the broad definition of "telephony recordings." (Advisory Action, page 2). Throughout the specification, however, a recording specifically refers to a conversation, not telephone data. (See Page 4, lines 1-8, of the specification and the section "V. Summary of the Invention" of the present Appeal Brief for examples). Additionally, the digital recorder 320 of Illustration 2 monitors a conversation to be recorded that can then be filed in a suitable file structure (Page 17, lines 18-20 and Page 19, lines 3-7). Thus, even though "telephony recording" is not specifically defined in the specification, the specification clearly indicates that a "telephony recording" is a recording of a conversation. Thus, the cited teachings of Allen do not disclose directories designated to contain telephony recordings as recited in Claim 21.

Since Allen does not teach each and every element of independent Claim 21, Allen does not anticipate the invention associated with Claim 21. Accordingly, the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection thereof.

I. Rejection of Claim 22 under 35 U.S.C. §103(a)

The Examiner has rejected Claim 22 under 35 U.S.C. §103(a) as being unpatentable over Allen in view of Elazar. The Applicants respectfully disagree. The above argument establishing that Allen does not anticipate independent Claim 21 is incorporated herein by reference. Additionally, Allen does not suggest each and every element of Claim 21 since Allen teaches a directory of information about telephony recordings instead of a directory of only telephony recordings created

during particular periods of time. Elazar has not been cited to cure these deficiencies of Allen but to teach telephone conversations between two parties. (Examiner's Final Rejection, page 7). Dependent Claim 22 also requires that the telephony recordings are telephone conversations between two parties created during the particular periods of time in addition to the elements recited in Claim 22, respectively. The cited combination of Allen and Elazar, however, does not teach or suggest that the telephony recordings are telephone conversations between two parties created during the particular periods of time in combination with the base claim limitations. Thus, the cited combination of Allen and Elazar does not establish a *prima facie* case of obviousness of dependent Claim 22, and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection thereof.

J. Rejection of Claim 23 under 35 U.S.C. §102(b)

The Examiner has rejected Claim 23 under 35 U.S.C. §102(b) as being anticipated by Allen. The above argument establishing that Allen does not anticipate independent Claim 21 is incorporated herein by reference. Dependent Claim 23 also requires that the controller deletes an oldest one of the directories in addition to the elements recited in Claim 21. Allen, however, does not teach the controller deletes an oldest one of the directories in combination with the base claim limitations. Thus, the cited reference Allen does not anticipate dependent Claim 22, and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection thereof.

K. Rejection of Claim 24 under 35 U.S.C. §102(b)

The Examiner has rejected Claim 24 under 35 U.S.C. §102(b) as being anticipated by Allen. The above argument establishing that Allen does not anticipate independent Claim 21 is incorporated herein by reference. Dependent Claim 24 also requires that the particular period of time is one day in addition to the elements recited in Claim 21. Allen, however, does not teach the particular period of time is one day in combination with the base claim limitations. Thus, the cited reference Allen does not anticipate dependent Claim 24, and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection thereof.

L. Rejection of Claim 25 under 35 U.S.C. §102(b)

The Examiner has rejected Claim 25 under 35 U.S.C. §102(b) as being anticipated by Allen. The above argument establishing that Allen does not anticipate independent Claim 21 is incorporated herein by reference. Dependent Claim 25 also requires that the storage unit is a disk storage unit in addition to the elements recited in Claim 21. Allen, however, does not teach the storage unit is a disk storage unit in combination with the base claim limitations. Thus, the cited reference Allen does not anticipate dependent Claim 25, and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection thereof.

M. Rejection of Claim 26 under 35 U.S.C. §102(b)

The Examiner has rejected Claim 26 under 35 U.S.C. §102(b) as being anticipated by Allen. The above argument establishing that Allen does not anticipate independent Claim 21 is incorporated herein by reference. Dependent Claim 26 also requires that selected ones of the telephony recordings

are removed from one of the directories before the controller deletes the directory in addition to the elements recited in Claim 21. Allen, however, does not teach that selected ones of the telephony recordings are removed from one of the directories before the controller deletes the directory in combination with the base claim limitations. Thus, the cited reference Allen does not anticipate dependent Claim 26, and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection thereof.

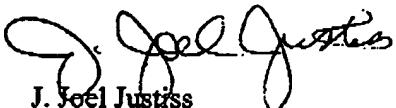
N. Rejection of Claim 27 under 35 U.S.C. §102(b)

The Examiner has rejected Claim 27 under 35 U.S.C. §102(b) as being anticipated by Allen. The above argument establishing that Allen does not anticipate independent Claim 21 is incorporated herein by reference. Dependent Claim 27 also requires that the controller deletes the one of the directories by deleting the telephony recordings contained in the directory and renaming the one in addition to the elements recited in Claim 21. Allen, however, does not teach that the controller deletes the one of the directories by deleting the telephony recordings contained in the directory and renaming the one in combination with the base claim limitations. Thus, the cited reference Allen does not anticipate dependent Claim 27, and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection thereof.

For the reasons set forth above, the Claims on appeal are not anticipated by and are not patentably obvious over the cited references. Accordingly, the Appellant respectfully requests that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection of all of the Appellant's pending claims.

Respectfully submitted,

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X. APPENDIX A - CLAIMS

1. For use with an automated call placement system having a switching service unit, a call monitoring unit capable of monitoring a selected one of lines coupled to said switching service unit, comprising:

a recorder, coupled to said call monitoring unit, that monitors a call carried on said selected one of said lines and creates a recording of said call on a storage medium associated therewith, said storage medium being of finite capacity thereby causing said recording to be subject to eventual overwriting; and

a recorder controller, coupled to said recorder, that provides an audible reproduction of said call to a user in real time and allows said user to preserve said recording based on said audible reproduction to delay said overwriting.

2. The system as recited in Claim 1 wherein said recorder controller allows said user to preserve said recording to prevent said overwriting.

3. The system as recited in Claim 1 wherein said recorder monitors said call by tapping a trunk line coupled to said switching service unit.

4. The system as recited in Claim 1 wherein said call is an outgoing call from a station coupled to said switching service unit.

5. The system as recited in Claim 1 wherein said storage medium contains a plurality of recordings arranged in directories according to a date on which said recorder created said plurality of recordings.

6. The system as recited in Claim 1 wherein said recorder controller is an ADSI-capable device.

7. The system as recited in Claim 1 wherein said recording is subject to overwriting on an aged basis.

8. For use with an automated call placement system having a switching service unit, a method of making a recording of a conversation occurring on a selected one of lines coupled to said switching service unit, comprising:

monitoring a call carried on said selected one of said lines;

creating a recording of said call on a storage medium, said storage medium being of finite capacity thereby causing said recording to be subject to eventual overwriting; and

providing an audible reproduction of said call to a user in real time with a recorder controller; and

allowing said user, with said recorder controller, to preserve said recording based on said audible reproduction to delay said overwriting.

9. The method as recited in Claim 8 wherein said recorder controller allows said user to preserve said recording to prevent said overwriting.

10. The method as recited in Claim 8 wherein said monitoring includes monitoring at a trunk line coupled to said switching service unit.

11. The method as recited in Claim 8 wherein said call is an outgoing call from a station coupled to said switching service unit.

12. The method as recited in Claim 8 wherein said storage medium contains a plurality of recordings arranged in directories according to a date on which said recorder created said plurality of recordings.

13. The method as recited in Claim 8 wherein said recorder controller is an ADSI-capable device.

14. The method as recited in Claim 8 wherein said recording is subject to overwriting on an aged basis.

15. An automated call placement system (ACP), comprising:

- a switching service unit;
- a plurality of stations coupled to said switching service unit;
- a call monitoring unit capable of monitoring a selected one of lines coupled to said switching service unit;
- a storage medium associated with said call monitoring unit;
- a recorder, coupled to said call monitoring unit, that monitors a call carried on said selected one of said lines and creates a recording of said call on a storage medium, said storage medium being of finite capacity thereby causing said recording to be subject to eventual overwriting; and
- a recorder controller, coupled to said recorder, that provides an audible reproduction of said call to a user in real time and allows said user to preserve said recording based on said audible reproduction to prevent said overwriting.

16. The ACP as recited in Claim 15 wherein said recorder monitors said call by tapping a trunk line coupled to said switching service unit.

17. The ACP as recited in Claim 15 wherein said call is an outgoing call from one of said plurality of stations.

18. The ACP as recited in Claim 15 wherein said storage medium contains a plurality of recordings arranged in directories according to a date on which said recorder created said plurality of recordings.

19. The ACP as recited in Claim 15 wherein said recorder controller is an ADSI-capable device.

20. The ACP as recited in Claim 15 wherein said recording is subject to overwriting on an aged basis.

21. A system for managing deletion of telephony recordings stored in a storage unit, comprising:

a file structure including directories, each of said directories designated to contain only telephony recordings created during particular periods of time; and

a controller, associated with said storage unit, that recovers storage capacity in said storage unit by deleting an entire one of said directories based on said particular periods of time.

22. The system as recited in Claim 21 wherein said telephony recordings are telephone conversations between two parties created during said particular periods of time.

23. The system as recited in Claim 21 wherein said controller deletes an oldest one of said directories.

24. The system as recited in Claim 21 wherein said particular period of time is one day.

25. The system as recited in Claim 21 wherein said storage unit is a disk storage unit.

26. The system as recited in Claim 21 wherein selected ones of said telephony recordings are removed from one of said directories before said controller deletes said directory.

27. The system as recited in Claim 21 wherein said controller deletes said one of said directories by deleting said telephony recordings contained in said directory and renaming said one.